



In the United States Patent and Trademark office

Entire
UPKCE
Hofke
DBW

In Re application of:)	Date: Sept. 25, 2006.
Neil John Graham)	Group art unit: 3732
Serial number 10/733,728)	Examiner: Jonathan S. Werner
Filed: 12/12/2003)	
For: Orthodontic Accessory Arch Bar))	

Honorable Commissioner of Patents and Trademarks

Dear Sir:

In response to the communication from the examiner, dated Sept 9, 2006.

Continuation of 3. NOTE: Examiner notes that the crossed-out portions of Applicants amended claims should be "0.020" instead of "0.022."

This is noted.

Because the amended range now encompasses new values that were not fully searched, a new search and consideration is necessary.

The amended range does not encompass new values, rather it eliminates a few. The search must have included wires from .020 inch to .060 inch. It should be pointed out that dependent claims 5, 11, 17, 23 and 29 claim a wire size of 0.027 inch. The search would have especially included .027 inch wire, especially since five claims included the size. This is larger than the size of any known arch wire. The specification clearly states .027 inch wire is the preferred embodiment.

8. (Was Terramoto rest same) Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wool. Wool discloses an arch bar as previously described, but fails to disclose the specific cross-sectional diameter of the arch bar is 0.027 inches. Although, Wool does disclose a cross-sectional diameter of the arch bar to be about 0.022 inches (col 6, ln 25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cross-sectional diameter 0.027 inches since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As discussed above, the maximum orthodontic bracket slot size is 0.022". The Wool wire must fit into the slot; therefore cannot exceed 0.022" in cross-section. A person of ordinary skill in the art would never consider an arch wire size such as .027"